

REMARKS

Claims 1, 34, 35 and 37-48 are pending. Claims 43-45 and 48 have been amended as to matters of form without narrowing their scope. Favorable reconsideration is respectfully requested.

Applicants thank the Examiner for the confirmation, in an April 22, 2009 telephone conversation with applicants' undersigned representative, that claims 1, 34, 35 and 37-42 remain allowed. The Office Action does not specifically address these claims, which were allowed and the previous Office Action and not rejected in the current Action.

Claims 43-48 were rejected under 35 U.S.C. § 112, second paragraph as indefinite. The objection in this regard relates to the perceived use of means plus function limitations in the preamble of method claims 43-48. The Office Action further states that it is unclear whether a method or a system is being claimed.

Claims 43-48 were also rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, in that, in the view of the Examiner, these claims appear to be directed to more than one statutory class.

First, all of claims 43-48 are *method* claims. The structure recited in the preamble, and referred back to in some limitations in the body of the claim, relates to the apparatus on which the claimed method is performed. (As required under *In re Bilski*, a method must be tied to a particular apparatus.)

During the April 22, 2009 telephone conversation, the Examiner stated that the presence of multiple "comprising" transitional phrases rendered it confusing as to where the body of the claim began, and where the preamble ended. In response, the independent method claims have been amended to make clear that the body of the claim, i.e., the method steps, began after the single occurrence of the term "comprising." The structural elements of the apparatus on which the method is performed no longer use that term. Nor is the "means" terminology retained with reference to the apparatus, in response to the Examiner's objection to the use of such a term.

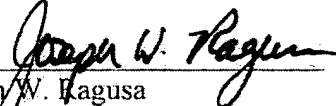
In view of the foregoing, and the amendments shown above, it is believed even more clear that claims 43-48 are directed to a statutory method or process, and not to an apparatus or to a combination of an apparatus and a method.

As to the statement in the Office Action that "it seems that a human is recited as a part of the apparatus (e.g. 'trading agents')," as was pointed out in the Amendment filed on April 28, 2008, the term "trading agent" is defined in the specification, e.g., at page 10, and is clearly recited as being a part of a trading system, and *not* a human. For example, the specification mentions that trading agents are "connected" to broking nodes and that trader terminals may be "attached to" one or more trading agents. This makes it quite clear that a trading agent is a *component* of a computer trading system, and not a person.

In view of the above amendments and remarks, applicants believe the pending application is in condition for allowance.

Dated: July 13, 2009

Respectfully submitted,

By 
Joseph W. Ragusa
Registration No.: 38,586
DICKSTEIN SHAPIRO LLP
1177 Avenue of the Americas
New York, New York 10036-2714
(212) 277-6500
Attorney for Applicants